

CITY COUNCIL MINUTES

NOVEMBER 10, 2009

Mayor Penton called the meeting to order at 7:30 p.m.

Pastor Walter Lawlor gave the invocation.

Those present recited the Pledge of Allegiance, led by Mayor Donald Penton.

ROLL CALL

Mayor Donald Penton, Vice Mayor Nancy Adorno, Councilor Kristi Eilertsen, Councilor Joe LaCascia, Councilor Paula Roddenberry, City Manager Cory Carrier, City Attorney Jeff Sullivan and City Clerk Patricia Jackson. Also present were Assistant City Manager Pam Peterson, City Planner Gene Kniffin, Finance Administrator Pam Lawson and staff member Kelly Downing.

A quorum was established, and Mayor Penton turned the meeting over to City Attorney Jeff Sullivan (City Manager Carrier had a sore throat).

APPROVE CONSENT AGENDA

Mayor Penton made a motion to approve the Consent Agenda; the motion was seconded by Councilor LaCascia.

Roll Call: Councilor Eilertsen-aye, Councilor Roddenberry-aye, Vice Mayor Adorno-aye, Mayor Penton-aye, Councilor LaCascia-aye.

5-ayes

0-nays

PRESENTATIONS AND/OR RECOGNITIONS

1. Proclamation – Polk County Family Week

City Attorney Sullivan read the Proclamation proclaiming November 14 – 20, 2009 as Polk County Family Week; Mayor Penton presented the Proclamation to Ms. Wheeler.

2. Proclamation – Pancreatic Cancer Awareness Month

City Attorney Sullivan read the Proclamation proclaiming November 2009 as Pancreatic Cancer Awareness Month.

PUBLIC HEARINGS

RESOLUTION 2009-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE CITY OF POLK CITY COMPREHENSIVE PLAN; STATING THE INTENT OF THE COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; AND APPROVING THE TRANSMITTAL OF THE REPORT

TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES.

City Attorney Sullivan read Resolution 2009-08 in short title. Mayor Penton opened the Public Hearing and introduced Bettina Coleman, who is a Senior Planner with Central Florida Regional Planning Council. Ms. Coleman advised the Evaluation and Appraisal Report (EAR) is a requirement by Statute and governed by Department of Community Affairs (DCA), and is a report that has to be done every seven years. The report provides recommendations of how you should change your Comprehensive Plan. The purpose for tonight's meeting is to approve the recommendations, which are guidelines in which DCA will review and let the City know whether or not they are in compliance with the Florida Administrative Code and the Florida Statutes; from there CFRPC will work with the City, if City desires, in making those changes to the Comprehensive Plan. This is the first part; part two is sending the report to DCA and part three is DCA reviewing and sending a letter back to proceed with the changes.

Councilor Eilertsen asked once we (Council) approve this and go forward, is it then up to us to follow the guidelines and make sure we are doing what is needed to move forward with the City. Bettina explained that once this is approved tonight, they will transmit the document to DCA, who in turn will make sure that everything is covered. The State has a new plan initiative as far as being green, and new polices have to be included in the Housing Element and Infrastructure Element in order to continue doing land use amendments and small scale amendments. Once this is done, you move to part three; CFRPC will come in and go through the Housing Element line by line and strike out the old stuff and include the new language. There will be another set of public hearings that will take place through this process.

Councilor LaCascia advised he would like to get some historical prospective on this for the benefit of the audience. The City of Polk City has a Comprehensive Plan that was adopted May 7, 1991, and was amended in 2005 and 2008. Councilor LaCascia asked if prior to this time the City of Polk City did not have to do an Evaluation and Appraisal Report because of our population it wasn't required; Bettina advised that is correct. Councilor LaCascia went on to say this is the first time that we had to meet the criteria of offering what Polk City was all about and how it was intending to move forward, and the Evaluation and Appraisal Report was going to be adopted into that plan. This all started February 26, 2008; there was a workshop meeting and he is impressed with the Evaluation and Appraisal Report that was done. This is available for the public to review. Various Sections, i.e. Economic Development, Transportation, Housing, Future Land Use, Natural Resources – these are major issues that were addressed. The EAR is intended to evaluate how successful the City of Polk City's Comprehensive Plan has been in addressing major community issues as well as planning issues. Basically, what we are doing is approving the report and making it a part of the Comprehensive Plan. Bettina advised that is correct, and if anyone wants to review the plan on line she provided a link to the City Clerk.

From the audience Mr. Blethen asked if it was electronically available; City Clerk Jackson advised we have a link, but it should be going onto the website. Mr. Blethen asked if this document was part of the by-laws; Councilor LaCascia responded it will be a part of the Comprehensive Plan. Bettina Coleman, Central Florida Regional Planning Council, advised this report recommends how the City is going to change the Comprehensive Plan; DCA has to approve and they will send a letter back advising the City to proceed. There will be another set of Public Hearings as the City goes through each Comprehensive Element line by line. Councilor LaCascia advised the Planning Commission recommended approval at their last meeting.

Councilor Eilertsen asked who put the actual book together; Bettina advised staff at the Central Florida Regional Planning Council did. A grant was received through their office from DCA to help smaller cities, and Polk City was one of those cities; City staff also assisted in putting the information together for the report.

Councilor Eilertsen had several questions pertaining to the Evaluation and Appraisal Report as follows:

- Transportation – currently there is no public transit system; Section 3, Page 5 Level of Service. Bettina explained about acceptable levels; the State sets the standards. Bettina then went to the assessments and recommendations.
- Housing – Section 3, Page 7 pertaining to measuring housing units being sold at an affordable price. City Manager Carrier explained the City doesn't keep track of what housing sells for; the County keeps track of that. We do not have the mechanisms in place. Bettina advised it is recommended to update the Housing Element in order to make them consistent with State guidelines; the City doesn't have to set a target.
- Housing – Section 3, Page 9, non-discriminatory criteria; Bettina advised this is a new rule whereby the State now requires a bracket for extremely low and very low income groups. Bettina advised that Section 5 deals with the relevant changes to the Statutes and Rules.
- Housing – Section 3, Page 10 Historic Society. City Manager Carrier advised the City has never put mechanisms in place to protect historical sites; the majority of them have been removed.
- Future Land Use, Section 3, Page 12 regarding the Protection of the Green Swamp ACSC. Bettina advised they wanted to include it because it is a "red-flag" item.
- Future Land Use – does it define what types of homes can be in the area – residential land uses and mobile homes. City Manager Carrier advised the City has to provide for mobile homes; however, the City can limit them to Mobile Home Parks. It is broken down pretty clearly in the Land Development Regulations. Bettina directed Councilor Eilertsen to Section 4, Page 6 -- Housing Element.
- Recreation and Open Space Element – Section 4, Page 9; amend the Recreation and Open Space Element to provide a level of service standard of 2.5 acres for overall park acreage, rather than by park use or type. Councilor Eilertsen asked if due to the size of our City are we at what we can accommodate if doing it by acreage instead of per park. City Manager Carrier advised currently yes, but going forward we wouldn't be. Bettina advised that DCA only wants to see "Parks.". The City would still have the same level of service per 1,000 people; we are recommending to take out what type it is, which makes it easier.

Mayor Penton asked if there was anyone else from the audience that wanted to speak. Michael HoShing, 505 Orange Blvd., addressed the Council. He is a member of the Planning Board, and when they looked at this there were issues that were not clear; however, the Planning Board was told to submit as it is and it will come back and they will have a chance to have additional input. The public would be invited as part of the Planning Board meeting; it is very important for those that have an interest. Mayor Penton advised it is important for everyone to get involved.

Councilor Eilertsen had one other question pertaining to the Capital Improvements Element, Section 4, Page 19 Successes and Shortcomings – it states there are no existing deficiencies for the City and County maintained roadways, potable water, sanitary sewer, stormwater, solid waste or recreation facilities. The City continues to maintain its adopted levels of service for each public facility. Councilor Eilertsen asked if this was based on no growth. Bettina advised this is a snapshot of right now; DCA doesn't know what your future plans are. Councilor Eilertsen asked if currently, right now as we stand today sewer is sufficient. Bettina gave some background information as to when you submit a land use change you have to provide data analysis that shows you have enough capacity for sewer, transportation and parks. DCA will review each one to make sure you have enough capacity.

Mr. Mike Blethen asked if the report says there are no deficiencies in water and sewer; Bettina advised it doesn't refer to standing water; DCA considers whether or not you have public facilities; meaning you can meet the population demand at this time. Councilor LaCascia thinks it says the infrastructure is in place to meet the requirements as projected by population. This is a snapshot that goes back prior to February 2008. Councilor LaCascia advised he spoke to Gene regarding this and thinks it simply says "the infrastructure is in place to serve the needs of Polk City going forward with the anticipated growth in terms of water and sewer." Councilor Eilertsen advised we are talking about the sewer system, not everything that leads up to it; Bettina agreed with that. Bettina advised the Plan cannot be changed for one certain development, or if 500 homes come in that you have to make sure the developer has to pay for this or that; this is something that is a case by case basis. The Comprehensive Plan just says when the new plan comes in the developer must show that they could help the City pay for those new services that are needed, or that the City has the capability to provide those services. Councilor LaCascia commented we would have had a deficiency if the City could not show that we had anticipated that growth. Bettina advised this document is not supposed to be used for a new development; this is based on the current situation, not what may happen in the future.

Fernando Midence, 806 Lakeshore Drive, asked about the existing facilities and what size population it can serve. Gene advised it is based on the current population plus the number of developments that have approved lots. Once development comes in the available capacity goes down; once you are near capacity, you have to start planning for expansion. After further discussion, it was made clear that the Central Florida Regional Planning Council doesn't look at capacity. Bettina advised the Evaluation and Appraisal Report is just a snapshot; DCA does not consider capacity for this report; they make sure you are following State Statutes and the Administrative Code. Vice Mayor Adorno commented it is broader and not detailed; Bettina advised when they come back they will make each Element current based on the recommendations and what DCA is requiring the City to do.

Councilor Eilertsen made a motion to accept Resolution 2009-08 in its entirety; the motion was seconded by Councilor LaCascia.

Roll Call: Vice Mayor Adorno-aye, Mayor Penton-aye, Councilor LaCascia-aye, Councilor Roddenberry-aye, Councilor Eilertsen-aye.

5-ayes
0-nays

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

Authorize City Manager to advertise for Bids for Sandy Pointe/Edgewater/Trailview Project

Mayor Penton asked if there were any questions. The following audience members addressed Council regarding the proposed project:

- Trudy Block, 218 Bayberry Drive, had questions pertaining to septic systems and cost associated with those compared to the cost of a sewer system; she views it from a

business standpoint and asked if it could be justified. Discussion took place regarding estimated cost factors.

- Fernando Midence, 806 Lakeshore Drive, had questions pertaining to cost of bidding the project, the capacity of the current systems, and comments regarding septic systems. He also spoke about the economy.
- Cathy Gabany, 102 Bayberry Drive, commented on the Mt. Olive System, starting with older sections of Polk City, and septic systems.
- Mike Blethen, 320 Crepe Myrtle, discussed project cost; grant amounts, stimulus amounts, interest rates, and debt service. Mayor advised the City will not have those answers unless we go to bid to get cost.
- Jesse Douthit, 1400 Broadway Blvd., discussed the proposed project, cost and septic systems
- Leonid Chadovich, 242 Bayberry Drive, had questions pertaining to the possible 52 lots in Sandy Point; he was advised they are not platted. He also spoke about septic tanks.
- Linda Fuller, 904 Lakeshore Drive, questioned the original plan for a WWTP; Councilor Eilertsen advised the City wasn't doing the treatment plant originally proposed. Mrs. Fuller then referred to a previous meeting whereby a comment she had made regarding the WWTP was not verbatim on the record, and she asked that it be verbatim.
- David Stanley, 258 Bayberry Drive, asked about the sewer connection fee and the proposed cost and funding of the project.

Once the audience was finished with their questions and concerns, Mayor Penton asked for discussion from the Council.

Councilor Eilertsen asked what the cost would be to go out for bids, if approved. She was advised the advertising would be anywhere from \$1,000 to \$1,500; the bid package, which pays for itself, would be \$2,000 or less. Councilor Eilertsen asked where that money would come from; City Manager Carrier advised it would come from legal advertising. Councilor Eilertsen has thought about this, and understands it doesn't hurt to get numbers; however, she advised the numbers would have to come back to where the residents would not be charged. While she understands it is shovel-ready, it doesn't come free; it is a shame it starts in the newer neighborhoods, and she doesn't feel it is necessary at this time. She feels the cost can't be justified at this time, and it is being done for the wrong reason. Councilor Eilertsen thinks we should go back to the drawing board and re-evaluate who needs it and what neighborhoods. It is not an easy thing to swallow. She reiterated it would have to come back with no charge to move forward.

Vice Mayor Adorno asked if Councilor Eilertsen was referring to the \$2,000, does she think we should put it out for bid and see what the numbers will be. Councilor Eilertsen responded if we move forward, fine, but it should not come at their (residents) cost. We could be moving forward in an effort to look at other areas; this money could go to something else. Vice Mayor Adorno asked if the money for advertising is budgeted; City Manager Carrier advised we budget money every year for advertising and that is where it is coming from. Vice Mayor Adorno understands the numbers have to come in low; the residents should not put out additional monies from their pocket. Vice Mayor Adorno advised looking down the road it would affect her as well, but we won't know if we don't get a true number; however, if it is not feasible, don't go forward. We

need to look at other areas that need it the most; it is unfortunate that it is locked into a certain area. We can at least get accurate numbers.

Mayor Penton advised this project is on a time frame.

Councilor LaCascia commented to restart and look at the lower social economic part of Polk City to start this project, the numbers can't get low enough. Councilor LaCascia then discussed reasons why it should probably be shelved at this time and not move forward; however, he noted on the downside of this, the stimulus money may be more difficult to get later on and could be at a higher interest rate. Somewhere along the line we are going to have to do something; we should wait for better times. He has had discussions with the City Manager regarding repairing the financial statement and get the City in a more prudent and viable financial position. Another downside is if you don't do things like this and not get revenue, we will also be missing out on revenue that is going to flow from a plan of this nature. If there is not a business model to show the cost justifies the end to get revenue to come into the City to pay the existing debt without building up more debt would be something to consider. Councilor LaCascia doesn't see any reason to go forward with this at this time.

Councilor Roddenberry asked if the Wastewater Treatment Plant to supply this was coming from the Cardinal Hill Plant; she was advised yes. Councilor Roddenberry commented that has a lot of open space because the development has not occurred, and she then asked if the City was losing money to maintain that facility; Gene responded we were. Gene then came forward and gave some background information pertaining to the two plants the City operates – the Mt. Olive System and the Cardinal Hill Facility. The cost to run these two plants is about the same as it would be at full capacity, except for hauling sludge. We are operating at 20% capacity, which leaves 80% to sell and create revenue and help pay the debt that was acquired on these plants. Gene then went into the history of the Green Swamp Area and what occurred with the State regarding development, septic tanks, etc., and discussed development inside the City. Why shouldn't the City receive some of the tax dollars that are going to other places; the stimulus money is available today. Gene then advised that Jesse has a development he requested sewer for; he pushed for getting sewer in but now he is one of the people saying he doesn't want sewer. Mr. Douthit responded to some of Gene's comments; he also spoke about being annexed involuntarily. Mayor Penton responded to comments made by Mr. Douthit.

Other public comments were made by Mrs. Olsen and Mr. Ted Borsjé.

Councilor Eilertsen made a motion to reject this at this time; the motion was seconded by Councilor LaCascia.

Roll Call: Councilor LaCascia-nay, Councilor Eilertsen-nay; at this time Mayor Penton advised Councilor LaCascia and Councilor Eilertsen he thought they voted wrong because of their motion. It was clarified the motion was to reject (not to authorize) the City Manager to advertise for bids for the Sandy Point/Edgewater/Trailview Project.

Roll Call: Councilor LaCascia-aye, Councilor Eilertsen-aye, Mayor Penton-nay, Vice Mayor Adorno-nay, Councilor Roddenberry-nay.

2-ayes

3-nays

Attorney Sullivan advised Council those on Council who voted nay on the motion made by Councilor Eilertsen should make a motion and second to authorize the City Manager to advertise for bids and vote on that to make the record clear.

Councilor Roddenberry made a motion to authorize the City Manager to advertise for bids for the Sandy Point/Edgewater/Trailview Project; the motion was seconded by Vice Mayor Adorno.

Roll Call: Councilor Roddenberry-aye, Councilor LaCascia-nay, Mayor Penton-aye, Councilor Eilertsen-nay, Vice Mayor Adorno-aye.

3-eyes

2-nays

Authorize City Manager to proceed with application for funding through SRF and local bank

Vice Mayor Adorno made a motion to authorize the City Manager to proceed with application for funding through SRF and local bank; the motion was seconded by Councilor Roddenberry.

Roll Call: Mayor Penton-aye, Councilor Roddenberry-aye, Vice Mayor Adorno-aye, Councilor LaCascia-nay, Councilor Eilertsen-nay

3-eyes

2-nays

Ordinance 1259, An Ordinance amending the final budget for fiscal year 2008-2009; and providing an effective date

Attorney Sullivan read Ordinance 1259 in short title. Pam Lawson, Finance Administrator, advised we have to amend the Budget if it has been overspent. The Sewer Fund received Sewer Grants and CIBR Grants in the amount of \$1,900,000, and we also expended \$1,900,000; the budget needs to be amended by that amount.

City Manager Carrier advised at the close of last year's fiscal budget, State Statute requires the budget to be amended when the fund level goes over budget; the Sewer Grant money and the CIBR money was unanticipated revenue; when it came in it went back out to pay for engineering fees. Because the number exceeded the budgeted amount in fund level, we are required to amend the prior year. Councilor LaCascia had a question regarding the amendment; City Manager Carrier advised he was looking at Fiscal Year 2010, and we are amending the Fiscal Year 2009 Budget. Vice Mayor Adorno asked if those numbers only applied to 2009; City Manager Carrier advised that was correct. Mayor Penton advised that money was spent in 2009; we did not budget for grants. Vice Mayor Adorno confirmed it did not affect the budget for 2010.

Councilor Eilertsen made a motion to accept Ordinance 1259; the motion was seconded by Vice Mayor Adorno.

Roll Call: Councilor Eilertsen-aye, Vice Mayor Adorno-aye, Mayor Penton-aye, Councilor Roddenberry-aye, Councilor LaCascia-aye.

5-eyes

0-nays

CITY MANAGER ITEMS

The City Manager had nothing to report.

CITY CLERK ITEMS

- City Clerk Jackson advised Council they have a copy of a report submitted by Smirna Martinez for the Safe Haven Halloween Event. Council congratulated Ms. Martinez on the excellent job she did
- City Clerk Jackson reminded everyone of the Christmas Parade December 5, 2009, at 2:00 p.m.; the rain date will be December 12th.

CITY ATTORNEY ITEMS

Attorney Sullivan had nothing to report.

COUNCIL MEMBER ITEMS

Councilor Eilertsen – Councilor Eilertsen advised she has an applicant for the Citizens Advisory Committee; City Manager Carrier asked that it be held until the next meeting as Councilor LaCascia has one and there may be more coming in. It will be placed on the December agenda.

Councilor Eilertsen then wanted to clarify the rate increase that took place; it was split twelve and a half percent now and twelve and a half percent next year; however, to ensure the decision made is honorable, the remaining twelve and a half percent is not twelve and a half on top of what was already passed, but the difference only. That is the intent; Councilor LaCascia had the same issue; he commented if we had not taken any vote, the rate would have gone up six percent and in reality it was an additional six and a half percent.

Councilor Eilertsen then asked if the prisoners could load for work at a different time other than during the peak time students are arriving at the elementary school. City Manager Carrier asked Gene if he could please check into this. Councilor Eilertsen advised the peak times for drop-off is between 7:15 and 8:00 a.m.

Councilor Eilertsen then asked about the water overage situation; Pam advised all of the meters are being checked one on one and being tested. There will be a report on every meter once that is completed.

Councilor Eilertsen asked the City Manager if she was able to get in touch with the Polk Transit Authority regarding the board member; City Manager Carrier advised she has contacted them; however, they are playing phone tag.

Councilor LaCascia – Councilor LaCascia had nothing.

Councilor Roddenberry – Councilor Roddenberry thanked Smirna Martinez for the great job she did in planning and organizing the Safe Haven Halloween Event; City Manager Carrier advised we had over 400 children. Councilor Roddenberry advised she had a lot of fun. Councilor Roddenberry then wished everyone a happy and safe Thanksgiving Holiday.

VICE MAYOR ITEMS

Vice Mayor Adorno attended the government day with the second graders a couple of weeks ago on Wednesday; it was really nice to see the kids participating; they had to make decisions and was good seeing them experiencing what Council has to do. She thanked the City Manager and staff for their hard work in putting it together. City Manager Carrier advised we do

this year as part of the Local Government Week; there were pictures taken and there were individual presentations, which will be put on the website.

Vice Mayor Adorno asked about a table for Council during the Christmas event this year; City Manager Carrier advised one would be set up and she reminded Council they will have a float to ride on during the parade. Vice Mayor Adorno then brought up the beautification program being started again, and it will begin with the decorating of homes for Christmas; a home will be chosen for recognition and announced at Freedom Park on December 5th.

Vice Mayor Adorno then thanked everyone for attending the meeting and letting Council know their ideas and feelings.

MAYOR ITEMS

Mayor Penton thanked Smirna Martinez on the job well done for the Safe Haven Halloween Event; he also thanked Mike and Chris Denico for the work they did. He advised Ms. Fuller there were different ethnic groups at the event. Mayor Penton thanked everyone for coming.

PUBLIC COMMENTS/REQUEST

Sue Olsen, 912 Lakeshore Drive, applauded Councilor Eilertsen and Councilor LaCascia for voting no on the sewer issue. Mrs. Olsen asked about the Bryant property the City was looking to purchase some time back; City Manager Carrier advised it never materialized.

ANNOUNCEMENTS

There were no announcements.

Councilor Eilertsen made a motion to adjourn; the motion was seconded by Vice Mayor Adorno and unanimously carried.

Patricia R. Jackson, City Clerk

Donald L. Penton, Sr., Mayor